

Scott Gustin

From: Sue Reardon <suereardon57@msn.com>
Sent: Tuesday, March 29, 2016 9:30 PM
To: Scott Gustin
Cc: Anne Scheffler Neighbor Gina, Oliver...; DEBBIE STONE; Helen Iohn Brooke Hossley; Maura Neighbor; NATHAN MONFORTE; Steve Stone Neighbor Debbie Wells; Sue Reardon
Subject: Request to re-open hearing

Tues 3/29/2016

Dear Mr. Gustin,

Thank you for responding to my recent email.

After meeting with the Adjoining Homeowners Group (AHG), we have decided to respectfully request that the DRB re-open the public hearing for the 451 Ethan Allen Parkway project as suggested in your 3/25/2016 email to me (see except below).

I would also mention that, within the 30-day appeal period, you may request that the DRB re-open the public hearing. There is no cost to do so. You would need to submit a written request to this office (to my attention) that would then be sent to the DRB for their consideration. The next DRB meeting is April 5, 2016. In light of how close that is to the end of the appeal period, you may wish to file an appeal to preserve your rights in any case, but that is your call completely.

We are asking that the public hearing be re-opened for the following reasons:

1. Lack of proper notification to the adjoining land owners of the 2/26/16 DRB meeting.
2. Lack of notification of the Preliminary Plot Approval decision; it was not received by homeowners and / or 2-26-2016 meeting attendees.
3. Due to the notification issues, we were not given the full 30 days to adequately prepare our appeal.
4. We would like specific information regarding the 3rd party engineer evaluation:
 - a. What are the requirements of the DRB for choosing the 3rd party engineer (licensing, etc.)?
 - b. Who pays for the evaluation?
 - c. We would like to be party to the 3rd party evaluator choice.
 - d. We would like the option to hire an independent engineer evaluator and have their evaluation be considered before final decisions are made.
5. We are requesting that all of the DRB members do a site visit prior to any approvals and that they notify the adjoining landowners in writing prior to the visit so we may also be present.
6. There are safety concerns i.e. recently the DPW has been cutting trees down on the plot without notification to homeowners.
7. Why was the DPW cutting trees on this land?
8. *Save Open Spaces BTV* is supportive of maintaining this open space.
9. Disturbing the wildlife habitats (hawks, eagles, pileated woodpeckers, raccoon, etc.).
10. Disturbing the flora (old, deciduous trees; lady slippers).
11. Given the past precedence of the 2003, 2004, & 2009 denials, please explain the difference why DRB is approving the project now? What has changed? Why now?

12. At the Deliberative Hearing by the DRB board on 2/29/2016 (to discuss what was said at the 2/16/2016 meeting) many serious concerns of the adjoining homeowners were not discussed at the meeting prior to rendering the preliminary plot approval such as: stability and safety of the adjoining landowners, storm water runoff, traffic concerns, lack of egress, sight lines, grading, fill).

We are also asking for clarification as to the timelines involved:

1. Are we on the April 5, 2016 DRB agenda?
 - a. If not, when will the hearing be re-opened?
 - b. How would this effect the 30 day time line?
2. If we are on the April 5, 2016, what effect will that have on the 30 day appeal process? What would the new deadline be?
3. When and how will we be notified in writing of the re-opening decision?

Again, thank you for your assistance with this matter and we look forward to your response.

Respectfully,

Susan T. Reardon